

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:08cv58**

**LISA A. LINEBERRY,**  
**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,**  
**Commissioner of Social Security**  
**Administration,**  
**Defendant.**

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**ORDER**

**THIS MATTER** is before the court on the Plaintiff's Motion for Summary Judgment and supporting brief(Document #7), filed November 19, 2008, and the Defendant's Motion for Summary Judgment (Document #10) and Memorandum in Support (Document #11), filed February 19, 2009. Pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge David Cayer was designated to consider and recommend disposition in the aforesaid motion. In a thorough and well-considered Memorandum & Recommendation, filed April 7, 2009, Judge Cayer recommended that Plaintiff's motion for summary judgment be denied, that Defendant's motion for summary judgment be granted, and that the Commissioner's decision be affirmed. In the opinion, Judge Cayer advised the parties that any objections to the proposed findings of fact and conclusions of law were to be filed in writing within ten days of service of the same. The time for filing objections has since passed, 28 U.S.C. § 636(b)(1)(C), and no objections have been filed by either party.

After a careful review of the Magistrate Judge's Memorandum & Recommendation, the Court finds that his findings of fact are supported by the record and that his conclusions of law are consistent with and well supported by the current case law. See Orpiano v. Johnson, 687 F.2d 44,

47 (4<sup>th</sup> Cir. 1982) (holding that, absent specific objections, only a careful review is required in considering a memorandum and recommendation). Accordingly, the court hereby accepts the Memorandum & Recommendation of the Magistrate Judge and adopts it as the final decision of this court for all purposes related to this case.

**WHEREFORE**, for the foregoing reasons, it is hereby **ORDERED** that Plaintiff's Motion for Summary Judgment is **DENIED**, that Defendant's Motion for Summary Judgment is **GRANTED**, and that the Commissioner's denial of benefits is **AFFIRMED**.

Signed: June 8, 2009

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

